

## **DISCUSSION**

Upon entry of the present amendment, Claims 1-4, 6-10, and 12-16 remain pending in the application, of which, Claims 1, 8, 14 and 16 are each independent.

The above-identified Office Action has been reviewed, the references carefully considered, and the Examiner's comments carefully weighed. In view thereof, the present Amendment is submitted. It is contended that by the present amendment, all bases of rejection set forth in the Office Action have been traversed and overcome. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

### **Section 112 and Restriction Requirement Issues**

In item 3 of the above-identified Office Action, the Examiner rejected claim 16 under 35 USC 112, second paragraph, as indefinite, suggesting that the base claim and the limitations of the dependent claim appeared to be contradictory. Applicant traverses this ground of rejection, and respectfully suggests that when these claims are read in light of the specification, including paragraphs 46-48 thereof, no inconsistency or contradiction is present.

However, in the interest of expediting prosecution and in more distinctly claiming the invention, applicant has amended claim 16 herein and made it independent, to overcome the Examiner's objection and to clarify the meaning of the claim. Applicant has changed the recitation of "respective recessed accommodating portions" to now read --at least one recessed accommodating portion-- in claim 1, and has added the same language to claim 16 in the process of making claim 16 independent. This amendment removes any appearance of inconsistency in claim 16, and is fully supported by the specification as filed.

Applicant further suggests that this amendment keeps these claims within the elected species, since the (generic) claim language still reads on the embodiment of Figure 2. Applicant further suggests that this amendment to claim 1 makes it more generic, and removes any necessity for the previously imposed restriction requirement. Applicant therefore requests reconsideration and withdrawal of the restriction requirement.

Applicant submits that as presently amended, all of the claims are in full compliance with

the requirements of 35 USC 112, and applicant therefore requests reconsideration and withdrawal of the examiner's rejection of claim 16 under that section.

### **Section 103 Issues**

In item 5 of the above-identified Office Action, the Examiner rejected claims 1, 4-6, 9 and 11 under 35 USC 103 as unpatentable over Horiuchi et al, US 5,988,145 in view of Matsumoto et al., JP 2000-85382. The Examiner asserted that it would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify Horiuchi based on the teachings of Matsumoto to provide applicant's claimed structure.

In item 6 of the above-identified Office Action, the Examiner rejected claims 2 and 3 under 35 USC 103 as unpatentable over Horiuchi et al, US 5,988,145 in view of Matsumoto et al., JP 2000-85382, and further in view of Yasuo (JP 2001-152839). The Examiner asserted that it would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify Horiuchi based on the teachings of Matsumoto, supplemented by the teaching of an exhaust expansion chamber in Yasuo, to provide applicant's claimed structure.

Applicant disagrees with and traverses these grounds of rejection, and requests reconsideration and withdrawal thereof.

Moreover, in the interest of expediting prosecution of the application, applicant has amended claim 1 to specify that a driver's seat and a front passenger's seat are respectively disposed in the passenger compartment in front of the rear seat, and that each of the driver's seat and the front passenger's seat comprises a seat support bracket attached to the floor of the passenger compartment at respective left and right support bracket attachment portions of the floor, where the support bracket attachment portions define a first level, wherein a portion of the floor extends upwardly from the first level to define at least one recessed accommodating portion formed below the floor of the passenger compartment.

Paragraph [034] of the specification has also been amended herein to provide antecedent

basis for the amended claim language. No new matter is added by these amendments to the claims and specification, since they simply spell out, in generic language, what was clearly shown in the drawings as originally filed.

Neither Horiuchi, Matsumoto et al., Yasuo nor any reasonable combination of these references teaches, discloses, or suggests applicant's claimed vehicle structure, in which each of the driver's seat and the front passenger's seat comprises a seat support bracket attached to the floor of the passenger compartment at respective left and right support bracket attachment portions of the floor, where the support bracket attachment portions define a first level, wherein a portion of the floor extends upwardly from the first level to define at least one recessed accommodating portion formed below the floor of the passenger compartment, and in which a canister and an exhaust pipe are accommodated in at the least one upwardly recessed accommodating portion below the vehicle passenger compartment, and wherein the at least one recessed accommodating portion is located between the fuel tank and the engine.

Instead, while applicant concedes that Matsumoto teaches a recessed accommodating portion below the floor of the vehicle, the recessed accommodating portion 16 of Matsumoto is provided to receive and accommodate a fuel tank disposed below the driver and passenger's seat of the vehicle.

Applicant respectfully points out that the Express teachings of a reference cannot properly be ignored.

Further, while Figure 6 of Yasuo appears to disclose a portion of a vehicle floor extending upwardly below a front seat to form a recessed accommodating portion for an exhaust pipe expansion chamber, the muffler and exhaust system components appear to be the primary focus of Yasuo, and Yasuo fails to teach, disclose or suggest placement of an evaporative emissions canister in a recessed accommodating portion formed in a vehicle floor below a seat.

Applicant respectfully submits that the present amendment patentably distinguishes all of the pending claims from Horiuchi, Matsumoto et al., and Yasuo, considered either individually or in any reasonable combination thereof.

No new matter is being introduced by the present amendment, since the subject matter thereof was expressly or inherently disclosed by the original specification as filed.

Applicant respectfully suggests that all of the pending claims patentably distinguish over all of the art of record.

If the Examiner feels that further issues remain to be resolved after entry of the present amendment, applicant's undersigned representative would welcome a telephone call from the Examiner to discuss such issues, and to try and resolve same.

Respectfully submitted,



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